

## **CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER**

**BY MAYOR JIM STRICKLAND, CITY OF MEMPHIS**

**No. 19-2020**

**WHEREAS**, individuals have a right to lawfully assembly for non-violent protests and demonstrations;

**WHEREAS**, the City understands its obligations to permit expressive activity subject to reasonable time, place and manner restrictions necessitated by the existing public safety concerns for citizens, public safety employees and protestors;

**WHEREAS**, over the past week, hundreds of thousands of people have gathered in cities across the nation to demand justice for George Floyd, an African-American man killed while in the custody of the Minneapolis Police Department on May 25, 2020;

**WHEREAS**, over the past week, hundreds have gathered daily in Memphis, Tennessee to demand justice for George Floyd, an African-American man killed while in the custody of the Minneapolis Police Department on May 25, 2020;

**WHEREAS**, on May 30, 2020 and May 31, 2020, large demonstrations protesting police brutality was held and ended peacefully but were followed by civil disturbances and violence by some individuals, including property damage, vandalism, and inciting a riot;

**WHEREAS**, one of the primary purposes of government is to protect its citizens and maintain public safety and health;

**WHEREAS**, pursuant to Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

**WHEREAS**, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, may make all orders necessary for the protection of life and property, including but not limited to, establishing a curfew; and

**WHEREAS**, it is necessary to invoke the powers under Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq. in order to maximize the resources of law enforcement and other government support services to ensure the safety of persons and property;

**WHEREAS**, Tennessee Code Annotated § 58-2-101 also authorizes the Mayor to issue a state of emergency proclamation and invoke certain powers in response to such emergency;

**WHEREAS**, in the judgement of the undersigned, an emergency currently exists within the City of Memphis as defined in Tennessee Code Annotated § 38-9-101(2) and § 58-2-110; and

**NOW, THEREFORE, I, JIM STRICKLAND, MAYOR OF THE CITY OF MEMPHIS**, by virtue of the powers vested in me, do hereby proclaim that a civil emergency exists in the City of Memphis, Tennessee as it relates to civil disturbances and violent protests occurring in the City ("Emergency") and invoke the authority granted by Tenn. Code Ann. §§ 58-2-101 et seq. and 38-9-101 et seq. as well as City Code §§ 9-8-4 and all other applicable law for the duration of the Emergency. Based on the foregoing, I hereby direct as follows:

1. Waiver of Formalities. Required procedures and formalities are waived as to procurements for equipment, materials, supplies and services for Emergency management purposes; and

2. Curfew. A curfew shall be in effect for the City of Memphis from 10 p.m. on June 1, 2020 to 6 a.m. on June 2, 2020. This curfew shall not apply to persons lawfully on the streets for employment, health, safety purposes. This curfew shall not apply to medical personnel in the performance of their duties.
3. Exercise of Powers and Authority. The City and its agencies, divisions, and departments are hereby authorized to exercise all powers and authority granted to it pursuant to Tenn. Code Ann. §§ 58-2-101 et seq. and 38-9-101 et seq. and all other applicable law, including but not limited to:
  - a. As necessary, appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;
  - b. As necessary, appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;
  - c. In addition to the primary emergency operating center, establish, as necessary, one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;
  - d. As necessary, assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment relating to health, medical and related services, police, transportation, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the area of the City of Memphis; and
  - e. Request state assistance or, as needed, invoke emergency-related mutual-aid assistance in the event of an emergency affecting another political subdivision.
4. Severability. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
5. Authority to Enforce. The Memphis Police Department and other City and Shelby County officials are authorized to enforce the curfew established in this Order. The City may enforce this Order pursuant to all mechanisms and methods available to the City under any applicable law.
6. Effective Date and Term. This Order shall be effective on June 1, 2020 and shall remain in effect until 11:59 p.m. on June 8, 2020, unless otherwise extended in the best interest of public health and safety.

**Upon signature, this Order shall become effective immediately on June 1, 2020.**

  
Jim Strickland, Mayor

Executed this 1st day of JUNE, 2020